IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

INCOME TAX APPEAL NO.527 OF 2002

The Commissioner of Income-tax
Mumbai City-I, Mumbai — Appellant

vs.

M/s.Kaprecon Sleeper Works Pvt. Ltd. — Respondent

Mr. R. Asokan i/b.M/s. H.D. Rathod for the appellant.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 25th August 2004

P.C.

Mr.R.Asokan, the learned counsel for the revenue submits that since the controversy raised in the appeal is squarely concluded by the judgment of this Court in Commissioner of Income-tax v. Indo Nippon Chemicals Co. Ltd., 261 ITR 275 the department is not desirous of prosecuting the appeal. He prays for withdrawal of the appeal.

2. Appeal is allowed to be withdrawn.

3. Refund of court fee as per law.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)